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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

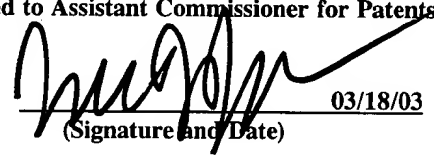
RECEIVED
MAR 27 2003
GROUP 3600

Applicant : Olaf WEISSMUELLER, et al.
Serial No. : 09/982,563
Filed : October 18, 2001
For : A CONVERTIBLE WITH A ROOF, WHICH CAN BE STOWED
IN THE REAR REGION OF THE VEHICLE BELOW A LID
Group Art Unit : 3612
Examiner : Lori L. Coletta

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20231 on March 18, 2003.

Frank J. Jordan
(Name of Registered Representative)


(Signature and Date) 03/18/03

Assistant Commissioner
for Patents
Washington, DC 20231

PETITION UNDER 37 CFR 1.181
TO WITHDRAW NOTICE OF ABANDONMENT

Sir:

Applicant received a Notice of Abandonment dated March 6, 2003. The application was considered abandoned by the Patent Office because of applicant's alleged failure to file a timely response to the Official Action dated August 28, 2002. Reconsideration is respectfully requested.

Applicant timely filed an Amendment in response to the Official Action of August 27, 2003². The Amendment was mailed to the Patent Office with a Certificate of Mailing Under 37 CFR 1.8 on February 27, 2003 and included a Request for a Three Month Extension along with payment of the Patent Office fee for the three month extension. Thus the six month term for responding to the Official Action of August 27, 2002 is February 27, 2003. As indicated above, applicant timely filed the Amendment on February 27, 2003.

Attached hereto is a copy of the Amendment which was filed on February 27, 2003 along with a copy (front and back) of the postal receipt card indicating that the Amendment was received in the Patent Office on March 4, 2003.

In situations as occurred here, the undersigned's experienced is that most Examiners telephone the Attorney to inquire whether applicant intends to abandoned the application before issuing a Notice of Abandonment. In this case, no such call was received and in addition thereto, the Notice of Abandonment was dated March 6, 2003 which is just 7 days after the six months due date of February 27, 2003.

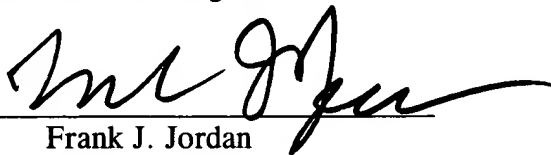
With all due respect, applicant is obliged to state with candor that the Notice of Abandonment was prematurely mailed inasmuch as it cannot be expected that an Amendment mailed from New York City on February 27, 2003 would reach the Examiner's desk by March

6, 2003, that is within 7 days. As a matter of fact, the Amendment of February 27, 2003 was received in the Patent Office on March 4, 2003, thereby leaving two days for the Amendment to find its way from the Patent Office Mail Room to the Examiner's desk. It would have been appreciated if the Examiner had placed a ~~curtsey~~ call to the undersign on March 6, 2003 (when the Notice of Abandonment was mailed) inquiring whether applicant had filed an Amendment or whether applicant intended to abandon the application. This would have avoided all this additional paper work for applicant and for the Patent Office to process this Petition to Revive the Application.

In view of the above, it is respectfully requested that this Petition be granted. It is believed there is not charge for filing this Petition inasmuch as the Notice of Abandonment was no fault of applicant. However, if there is any charge, please charge to Deposit Account 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By 

Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

122 East 42nd Street
New York, New York 10168
(212) 986-2340

FJJ/cj
Enc.

Copy of Amendment dated February 27, 2003

Copy (front and back) of postal receipt card

Docket No. F-7187

Serial No. 09/982,563

CBH ☐ FIJ ☒

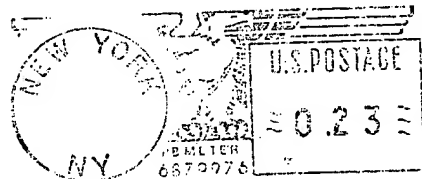
The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received.

New Application	<input type="checkbox"/>	Dec./Power of	<input type="checkbox"/>
Req. Continued Examination	<input type="checkbox"/>	Att. Assignment	<input type="checkbox"/>
Supplemental Amendment	<input type="checkbox"/>	Priority Document	<input type="checkbox"/>
Preliminary Amendment	<input type="checkbox"/>	IDS/IDC	<input type="checkbox"/>
English Translation App.	<input type="checkbox"/>	Notice of Appeal	<input type="checkbox"/>
Marked Specification	<input type="checkbox"/>	Appeal Brief	<input type="checkbox"/>
Substitute Specification	<input type="checkbox"/>	Issue Fee	<input type="checkbox"/>
Letter to Draftsman/Drawings	<input type="checkbox"/>	Maintenance Fee	<input type="checkbox"/>
Resp. to O.A.	<u>8/27/03</u>		



Date of Doc. being mailed: 2/27/03
(Patent Office. Please stamp and return to addressee on reverse side.)

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